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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,059	02/11/2004	Masami Sato	Q79802	3318

23373 7590 12/29/2005  
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WASHINGTON, DC 20037

EXAMINER

NGUYEN, JOHN QUOC

ART UNIT PAPER NUMBER

3654

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/775,059		SATO ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	John Q. Nguyen		3654	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/11/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 1-224916. The amount of lubricant in the lower layer is 1.2-3 times higher than that of the upper layer. That the tape is a leader tape is considered an intended use.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanai (US-5433989) in view of JP 1-224916.

Hanai discloses a tape having substantially all the claimed features including more lubricant in the lower layer than in the upper layer. The claimed ratio of at least 1.12 or 1.12-1.34 is deemed inherent or, alternatively, would have been within the level of one of ordinary skill in the art and would have been determined through routine engineering experimentation and optimization. Furthermore, JP'916 discloses the claimed ratio; therefore, it would also have been obvious to a person having ordinary skill in the art to provide the claimed ratio as taught by JP'916.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanai in view of JP 1-224916 as applied to claims 1-3, 5-8 and 11 above, and further in view of Suzuki et al (US-6759150).

Suzuki et al discloses the claimed elasticity modulus and thicknesses. It would have been obvious to a person having ordinary skill in the art to provide the tape of Hanai modified as above with the elasticity and thicknesses as taught by Suzuki et al to obtain a strong tape for use in the tape drives.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanai in view of JP 1-224916 as applied to claims 1-3, 5-8 and 11 above, and further in view of Sekiguchi et al (US-5455104).

Sekiguchi et al discloses the claimed roughness. It would have been obvious to a person having ordinary skill in the art to provide the tape of Hanai with roughness as taught by sekiguchi et al to reduce wear on components of the tape drive.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of JP 1-224916.

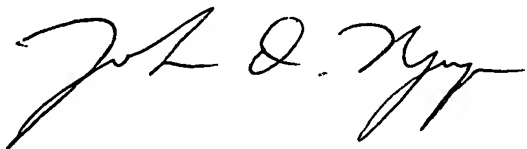
The admitted prior art discussed on pages 1-3 of the specification discloses substantially all the claimed features except the particular tape used as the leader. JP'916 has been advanced above. It would have been obvious to a person having ordinary skill in the art to alternatively provide the leader tape of the admitted prior art with a tape as taught by JP'916 to obtain the inherent advantages of the tape.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not show or render obvious a leader tape as recited in claim 10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Q. Nguyen  
Primary Examiner  
Art Unit 3654